

# **EXHIBIT K**



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March 20, 2023

**VIA EMAIL**

Matthew Eslick  
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Re: ***Smartmatic USA Corp., et al. v. Lindell, et al.; Case No.22-cv-00098***

Dear Counsel,

We write regarding Defendant My Pillow, Inc.'s ("MyPillow") Requests for Production of documents containing the confidential information of Los Angeles County in connection with Smartmatic's development and provision of election technology to Los Angeles County for the 2020 Presidential Election.

As noted in Smartmatic's responses and objections to MyPillow's Requests for Production, Smartmatic's agreement to produce responsive documents is subject to its objection to produce documents prohibited from disclosure by law or under confidentiality or non-disclosure agreements with third parties. Smartmatic's contract with Los Angeles County contains the following provisions requiring Smartmatic to maintain the confidentiality of Los Angeles County's records, documentation, data, and information:

7.8.1 The Contractor shall maintain the confidentiality of all records, documentation, data, and information, including, but not limited to, County IP, Personally Identifiable Information, billing and sensitive financial information, County records, data and information, Personal Data, County data, any information relating to County's customers, users, patients, partners, or personnel, and any other data, records, and information received, obtained and/or produced under the provisions of this Contract ("County Confidential Information") in accordance with all applicable federal, state, and local laws, rules, regulations, ordinances, directives, guidelines, policies, and procedures relating to confidentiality, including, without limitation, the County policies concerning information technology security and the protection of confidential records, information and data.

7.8.3 Disclosures which are required by law, such as a court order, or which are made with the explicit written authorization of the County are allowable. Any other use or disclosure of data received requires the express approval in writing from the

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County. No work shall duplicate, disseminate, or disclose any data except as allowed in this Contract.

*See LA County 000025–26.*

Pursuant to these confidentiality obligations, Smartmatic sought authorization from Los Angeles County to produce documents and data responsive to MyPillow's Requests for Production. Los Angeles County has authorized Smartmatic to produce the following categories of documents in connection with Smartmatic's work on the election technology utilized in the 2020 Presidential Election (VSAP Versions 2.0, 2.1 and 2.2):

- Smartmatic's bid/RFP response, and any supporting documents
- Communications with Los Angeles County regarding Smartmatic's bid/RFP response, or negotiation of the contract between the parties
- Documents relating to any complaints or concerns expressed regarding Smartmatic's work on VSAP or the technology developed and implemented by Smartmatic for the 2020 Presidential Election
- Documents relating to any surveys or polls conducted regarding Smartmatic's role in VSAP
- Scope of work documents
- Project change requests
- Design change requests
- Deliverable expectations documents (DEDs)
- Deliverable acceptance documents (DADs)
- Project status reports
- Technical data packages (TDPs) for VSAP 2.0, 2.1, and 2.2, with the exception of source code files. Technical data packages include the following documentation:
  - System overview
  - System functionality description
  - System hardware specification
  - Software design and specification
  - Interface description
  - Software security specification
  - System test and verification
  - System operations procedures
  - System maintenance manual
  - Personnel deployment training requirements
  - Configuration audits
  - Approved parts
  - System change notes
  - User guides
  - Build procedures

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In addition to the documents listed above, Smartmatic has already produced or will produce a number of publicly available documents relating to its role in the 2020 Presidential Election, including:

- Smartmatic's contracts with Los Angeles County
- Press releases
- VSAP quarterly reports
- VSAP weekly status reports
- Election observer plans
- Election manual tally results
- Precinct-level voting results
- Request for proposals and supporting documents
- Documents describing the appearance, function, and security of ballot marking devices (BMDs)
- Secretary of State certifications
- Use procedures
- Staff testing reports
- Consultant's accessibility testing reports
- Consultant's software testing reports
- Consultant's security and telecommunications reports
- Consultant's functional testing reports
- Consultant's hardware testing reports

Los Angeles County has not authorized the production of any other non-public documents reflecting the County's confidential data. As Smartmatic is contractually bound to maintain the confidentiality of these sensitive documents, Smartmatic's production of documents relating to its role in Los Angeles County's VSAP initiative will be limited to the documents listed above.

Sincerely,

BENESCH, FRIEDLANDER,  
COPLAN & ARONOFF LLP

/s/ Michael E. Bloom

Michael E. Bloom